

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EMANUEL DEWAYNE
SHEPARD, JR., EARL GERALD SHEPHERD,
EARL LEE BENSON III, and EARL LEE
BENSON IV, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
February 3, 2005

v

SONYA LUCAS,

No. 256889
Berrien Circuit Court
Family Division
LC No. 2002-000102-NA

Respondent-Appellant,
and

EMANUEL WESLEY SHEPHERD, a/k/a
MANWELL SHEPHERD, and EARL LEE
BENSON, JR.,

Respondents.

Before: Zahra, P.J., and Neff and Cooper, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal conditions that led to adjudication were respondent-appellant's failure to provide adequate food for the children, to maintain a home in habitable condition, and to adequately supervise the children. At the time of the termination trial, these conditions continued to exist. Respondent-appellant lacked employment or any source of income and had no independent housing. The evidence indicated that she had failed to benefit from parenting classes or from the services of a parenting coach. Respondent-appellant's failure to benefit from services directed toward reunification is clearly attributable in large part to her limited intellectual capacity. A psychological evaluation indicated that she has an IQ of 65 and appears to lack "the means or the potential means to independently provide her children with

their basic needs for clothing, shelter, and food.” Given this prognosis, the trial court was justified in concluding that the conditions of adjudication would not be rectified in the reasonable future and there was no reasonable likelihood that respondent-appellant would be able to provide proper care and custody for the children in the reasonable future. Furthermore, the record indicates that respondent-appellant was provided with special services because of her intellectual limitations. After completing parenting classes, respondent-appellant was provided with a parenting coach who assisted her during visits with the children. However, respondent-appellant would only follow the advice of the coach when she was present. She also received counseling and substance abuse treatment. Her caseworker testified that there are no further services that can be offered to respondent-appellant that could bridge her shortcomings. We conclude that petitioner’s efforts were reasonable in the circumstances of this case.

Finally, given respondent-appellant’s inability to meet the basic needs of the children, the trial court properly found that termination was not clearly contrary to the best interests of the children. MCL 712A.19b(5). The record indicates that the children do not have a strong bond with their mother. The children had been in care for more than eighteen months at the time of the termination trial and are now in need of permanency.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Jessica R. Cooper